

# Amended Complaint (Pp. 1-20) <sup>Pages</sup> ①

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

October 30, 2023

LAURA A. AUSTIN, CLERK

BY: s/A. Beeson  
DEPUTY CLERK

## \* STATEMENT OF FACTS \*

- ① ON 4/8/21 I filed an emergency grievance stating that I was subjected to serious risks to my physical/mental health and safety, that specific policies, laws, etc require ADA rights due to my many ADA qualifications/disabilities and Mental health
- ② UM Santos, acting ADA coordinator, responded determining the situation/conditions "Not on emergency," (see exh. 6) I gave him a copy of my "Request for Reasonable ADA accommodations" to submit for ~~his~~ approval (see exh. 8) on 5/12/21
- ③ ON 5/12/21, UM Santos, acting ADA coord., responded to my informal complaint written on 5/3/21 about being denied ADA accommodations and my disabilities being exacerbated as a result. He responded that accommodations requested will be placed as he had reviewed my charts with medical. Dr. Santos did nothing
- ④ ON or about May 14, 2021 I attempted suicide by stabbing myself multiple times in the stomach and swallowing 6 inch metal ice-pick-like objects; I suffered perforations of my small and large intestines, esophagus, pancreas, spleen, stomach, kidney, etc and had to have my spleen removed and partial pancreas and sections of my large and small bowel. I also had to have a colostomy prosthesis permanently placed and also suffered multiple bouts of sepsis requiring hospitalization for over 2 months. That's the physical side of injuries, as for the mind. I cannot ~~expand~~ expound on the "mental" pain and suffering I felt and continue to suffer from, especially when I am already diagnosed with PTSD and continue to attempt suicide



(2)

on 6/24/21 I left MCV Hospital to Sussex 1 State Prison and placed in their SAM unit. I began filing grievances on still being denied ADA accommodations for my visual impairment and mental illness. My grievances were forwarded to WRSP since I was at SXI on a temporary medical hold. My grievances were denied intake stating "request for services" and stating that: "ADA accommodations per procedure will be provided upon return to WRSP". I appealed it not being processed and it was denied (as always) as is regional accommodation routine.

(see exh. 5).

⑤ On or about 8/25/21 I returned to WRSP and refiled grievances for blatant continuation of being denied approved ADA accommodations. I spoke with operations manager/ADA coordinator Mr. Coughron and warden Davis and CHAP Carico and Ms Townsend to no avail. My grievances were denied intake again by B.J. Ravizee (as is WRSP routine) stating: "after optometrist appointment if accommodations are required they will be met per procedure" (see exh. 7)

⑥ Despite my severe history of mental illness and recent suicide attempts I was removed from S.A.M unit (by defendants Davis Carico, Coughron, Lovell and Shepard and Moyer prejudicial conspiracy) and placed in the general population among the most violent of Virginia's DOC gang members, the same unit I left from after attempting suicide in May (C-510) contraindicated by the known risk having come to fruition previously.



③

⑦ I continued to file numerous grievances complaining of being denied mental health "treatment", appropriate housing and ADA accommodations for my mental/physical disabilities as my conditions are worsening as a result. I complained to Defendant Davis, Robinson, ~~Smith~~, Lovell asking for help. These defendants explain to me that defendant Malone and Madson "call the shots" and I have "pissed them off" to where they don't want to help me by sending me back to Greenville Mental Health unit.

⑧ Defendant Davis spoke with me on several of his rounds and told me he simply did not care and did not want to hear my "bitching and crying".

⑨ On 9/26/21 I filed a grievance once again about my vision and mental illness being exacerbated (my vision has regressed and worsened from 20/40 to 20/300 w/o glasses since 2019; and, I have attempted suicide and seriously injured myself 7 times since 2019) by being denied ADA accommodations. I spoke with Defendant Conigrew several times on his rounds and he would state that he, "like everyone else here, is sick and tired" of me manipulating the system and "crying wolf". He responded to my complaint (# WSP-INF-01930) on 9/28/21 that his office has not ever received any request for ADA accommodations — A blatant lie to clearly show his indifference and impunity as a corrupt administration. (See exhs)







(5)

I got picked into my stomach puncturing my kidney on Feb. 1-7, 2022 due to the exacerbation of my SERIOUS mental illness and denial of treatment and being assaulted many times targeted by gang members and defendant's refusal to act. I was hospitalized in I.C.U. @ MCV hospital in Richmond, Va from 2/3 to 2/20/22.

(14) Only after Rights Behind Bars attorney ORIN NIMMI (Ex. 1) wrote to defendant Davis, Malone and Madsen on 2/25/22 did WRSP defendants move me into A-3 S.A.M unit. Where I met with defendants Stallard, McCray about my grievances, and I was told I would NEVER have A work assignment in A-wing because of my past and many grievances as they don't like people like me, I was "forced" to "withdraw" my grievances on 4/13/22 threatened with them finding knives in my cell. (see Ex. 13 a-f)

(15) On 10/23/23 during rounds I spoke face-to-face with defendants Atzip, Stallard, Caragher and Santos. I requested to each of them that I be placed back into S.A.M unit, I asked for ~~ADA~~ accommodations to dim my lights, A bigger TV and watch and for a "care giver" to assist me to read/write, I was told by each defendant that "we don't do ADA at WRSP". I asked each of them to refer me to SUSSEX or GREENVILLE MTHU so I can get ADA accommodations and Mental Health treatment



(6)

and each defendant told me that they know I need some serious therapy but there's nothing for me at WSP.

(16) Defendant Stullard repeated harassed me about rejoining him as a defendant in this case.

(17) I asked defendant Santos and Arttrip to help me file criminal charges against defendant Candell, Candell and down doe for assaulting me on 10/2/23. I was told that I was not assaulted and it was my fault for not doing as I was told.

(18) I asked defendant Arttrip and Santos if we are supposed to be receiving "A minimum of 7hrs of out of cell time/see/activities per OP 440.1 (Privileges by Security Level) and why are inmates at WSP only getting 3 or less hours per day out of cell time? Defendant Arttrip and Santos said "yes" that is correct, but being that the top and bottom tiers come out of cells separately, each tier only get 3 to 3 1/2 hrs each per day; 7hrs combined. I told him that is contrary to Wadco policy, that supposed to be A minimum of 7hrs "per inmate" - they both laughed and responded "since when have you known Wallens Ridge to care about policy". I tried to explain that RTHU/seg is required to get 4hrs out of cell time...and GP (general population) at WSP barely gets 3hrs...that is egregiously unfair and spending 21 or more hrs in my cell everyday in GP is detrimental to my mental/physical health, defendant Arttrip responded that maybe I "should go to RTHU...if I wanted more rec."

(7)

~~Plaintiff has been diagnosed with several physical and mental impairments that substantially limit one or more major life activities, defendants refuse to put proper signage on his cell door~~

~~Plaintiff's is legally blind, has Monovision, his left eye is legally blind with a visual acuity of 20/400 (the clinical determination of 20/200 is legal blindness). Plaintiff's right eye is "completely" blind diagnosed with Optic Atrophy, retinal detachment and cataracts. see exhibit 2 a/b~~

~~Plaintiff also has a digestive disorder and requires an ostomy/colostomy pouch as a result from Twenty One (21) abdominal surgeries for 21 suicide attempts for ingesting metal foreign objects since 2014~~

~~Plaintiff is also diagnosed with several psychological disorders to include, but not limited to: Post Traumatic Stress Disorder, Depression, Anxiety and Personality Disorders with an extensive history of suicidality and serious self-harm requiring one hundred-thirty six (136) emergency hospital admissions at 26 different hospitals across Virginia since 2014~~

~~Plaintiff has filed a "Request for Reasonable Accommodations" multiple times: Nov. 23, 2020, April 8, 2021, May 12, 2021 (attached) exhibit 6-8~~

~~On May 12, 2021, two ADA coordinator Mr. Santos met with medical authority, reviewed plaintiff's medical charts, agreeing to grant plaintiff's accommodations request, but none were ever placed except to remove two light bulbs from a five (5) bulb fixture in cell - no other requested VADOC pre-set/approved reasonable accommodations (for visually impaired persons) have been met to current day. see exhibit 4~~

~~Plaintiff has been diagnosed with several physical and mental impairments that substantially limit one or more major life activities, defendants refuse to put proper signage on his cell door~~

- (19) (a) In regards to this complaint relevant VADOC policies are (Operating procedures) OP 803.1, Managing offenders with diabetes and OP 841.2, work programs; OP 830.3, Goodtime awards and OP 730.3, Mental Health levels of services, but not limited thereto and 440.1 privacy by security has)
- (20) (a) Plaintiff has been diagnosed as having several qualified disabilities of physical and mental impairment that substantially limit one or more major life activities, defendants refuse to put proper signage on his cell door
- (21) (a) Plaintiff's is legally blind, has Monovision, his left eye is legally blind with a visual acuity of 20/400 (the clinical determination of 20/200 is legal blindness). Plaintiff's right eye is "completely" blind diagnosed with Optic Atrophy, retinal detachment and cataracts. see exhibit 2 a/b
- (22) (a) Plaintiff also has a digestive disorder and requires an ostomy/colostomy pouch as a result from Twenty One (21) abdominal surgeries for 21 suicide attempts for ingesting metal foreign objects since 2014
- (23) (a) Plaintiff is also diagnosed with several psychological disorders to include, but not limited to: Post Traumatic Stress Disorder, Depression, Anxiety and Personality Disorders with an extensive history of suicidality and serious self-harm requiring one hundred-thirty six (136) emergency hospital admissions at 26 different hospitals across Virginia since 2014
- (24) (a) Plaintiff has filed a "Request for Reasonable Accommodations" multiple times: Nov. 23, 2020, April 8, 2021, May 12, 2021 (attached) exhibit 6-8
- (25) (a) On May 12, 2021, two ADA coordinator Mr. Santos met with medical authority, reviewed plaintiff's medical charts, agreeing to grant plaintiff's accommodations request, but none were ever placed except to remove two light bulbs from a five (5) bulb fixture in cell - no other requested VADOC pre-set/approved reasonable accommodations (for visually impaired persons) have been met to current day. see exhibit 4

~~Plaintiff has been diagnosed with several physical and mental impairments that substantially limit one or more major life activities, defendants refuse to put proper signage on his cell door~~



8

- (26) Plaintiff filed numerous grievances on this issue and spoke  
nearly to defendants Warden Davis, ADA Coordinator Campbell "Pete"  
to file "complaints of these refusal and was repeatedly told "we  
believe you can see just fine" ... grievance was answered by ...  
WASP grievance officer as "refusing intake" along with a reason of  
"request for services", stating ADA accommodations will be met and  
provided" on 8-12-21 see exhibit 5 (and how they again refused and attempted appeal exb 7)
- (27) Plaintiff further spoke with defendant Campbell on 9-28-21  
complaining again of these blatant discrimination and indifference  
and he stated Plaintiff needs to see eye doctor because "no requests  
for accommodations has been received". This was said with a grin  
sarcastically, since he knows Plaintiff filed several see exhibit 3 and 7
- (28) Plaintiff continued to meet with the medical provider Dr.  
Mullins and on (?) unknown specific date in February and again in  
March and May 2022 the Doctor ordered for "all ADA accommodations  
per approved by Vade for the visually impaired to be provided." Also in June
- (29) Plaintiff had appointment with optometrist in April - May 2022  
and noted visual acuity in left eye to have been eyes selected from 20/90  
to 20/400 since 2019 evaluation at Potomac Hospital. again seen July 1 2022
- (30) Plaintiff has requested from all defendants to coordinate communication  
with Vade Washington ADA Supervisor (from Rose Durkin) as Plaintiff has  
written to her numerous times but receives no responses, however, this was  
repeatedly denied too. Had family/friends call him for and email defendant Durkin
- (31) on Feb 25, 2022 A letter/email from "Rights Behind Bars" Attorney, Owen  
Nimmo, was sent to defendant Davis and other Vade Defendants laying out the  
concerns of the complaints herein this action (attached) exb 1a
- (32) Plaintiff was denied appropriate housing (i.e. SAM unit/ptd) for inmates  
with mental health/medical disabilities from Feb. 2021 through March 2022  
until he was assaulted (attempted murder/strangulation) by A Bloods Group  
member on Jan 21, 2022, despite incessant pleas to be appropriately housed or  
transferred and grievances and inquiries from Rights Behind Bars Attorneys see exb 1/f  
9b1
- (33) Plaintiff has also been discriminated against by defendants Stallard and  
McKray by being denied work programs (job assignment) despite numerous  
attempts and application submissions, being told by these defendants that  
Plaintiff will not be allowed to have any work assignments while housed in their  
building because they "don't like" the plaintiff and "do not trust" his "type" and  
because he files "too many grievances".
- (34) Plaintiff filed grievances explaining that defendants only allow those (b)  
inmates to perform all work duties (eg. fitches, broom, shoveling, sanitation  
inspector, recreation, etc.) when Vade policy only allows one task/duty to be  
assigned to each inmate with more than two (2) allotted positions available.  
Plaintiff was forced to drop complaints or a task would be found in his cell by



(9)

- Also their  
 defendants responded verbally to plaintiff it was because "they're the  
 only three inmates they like and had better understand complaints as well"
- (35) Plaintiff gained that (and complained verbally) OP 841.2, I, sec.  
 K, re-states "participation in work programs is a factor for our inmates  
 evaluation for goodtime credits and a requirement by Va. Regulations  
 Code of Va. § 53.1-202.3; § 53.1-38.1" and that his criminal behavior of his  
 goodtime evaluation in Nov 2021 set his must meet treatment objectives  
 at "obtain/maintain institutional employment" or it will affect his  
 goodtime and push back his release date as it previously did in 2021  
 and will in 2022 November again. Plaintiff told "withdrawal as a knife with hand who cell"
- (36) Defendants call at work that work programs as a "privilege"  
 subject to "discriminatory favoritism" for assignments, rather than  
 basic policy and Code of Va statutes regulatory requirement as part  
 of an inmate's "re-entry" rehabilitation efforts.
- (37) Defendant Townsend reportedly refuses to respond to any of the  
 request to meet with plaintiff and tells him she doesn't have time  
 for him when he sees her passing by.
- (38) Defendant Townsend refuses to allow plaintiff adequate colostomy  
 supplies ordered by the Physician Dr. Mullins; reportedly telling plaintiff  
 he will only receive the amount she provides him messes to clean him  
 forcing him to re-use soiled bags and wipes. She refuses to adhere  
 to ADA reasonable accommodation orders interfering with Dr. Mullins  
 recommendations. She refuses to post ADA notes on plaintiff door per policy.
- (39) Plaintiff has gained and verbally requested adequate mental health  
 treatment for severe long standing suicidality and PTSD, seeking and  
 prescribed weekly therapy sessions for at least one hour performed with  
 a "licensed professional counselor" ~~according to the rules to get this~~ recommended  
 by WRSP Psychiatrist ~~Dr. McDiDi~~ however, WRSP does not employ such  
 skilled staff, merely unlicensed "CAMP-Adult" (Qualified Mental Health  
 Professionals) that are not recognized by Va Dept of Health Professions as a  
 "licensed therapist" nor does WRSP allow for individual therapy sessions, ~~as~~  
~~Plaintiff repeatedly ask defendants for~~ a transfer to facility with treatment options
- (40) WRSP only allows "evaluation/risk assessments" of self-harm or  
 potential suicide and then, "precautionary" measures (i.e., stripped cell) as  
 the full extent of their "outpatient" services, they have no provision  
 for mental health "treatment", except psychotropic prescribed medication.
- (41) Plaintiff has spoken with defendant ~~light~~ numerous times to initiate  
 a mental health referral transfer to Greensville Mental Health Unit for  
 residential services and has been denied repeatedly by her "higher up" (these  
 defendants named in supervisory positions) she says they would have her job ~~and~~  
 Plaintiff then asked Defendant Townsend for ADA transfer & verbally impaired unit  
 at GCC, she refused.



(10)

- (42) (b) WESP is a security level five (SL-5) "supermax" facility housing inmates with the most serious behavioral and management problems (e.g., violent offenders) maintaining the highest level of security by imposing many restrictions, e.g., limited movement, attack K-9 dogs, firearms, little contact between inmates and staff, little recreation - typical inmate is a maximum of three (3) hours out-of-cell activity - although Wadco policy, see 26.12a-f for SL-5 facility is a "minimum" of seven (7) hours out of cell time daily
- (43) (b) Plaintiff has exhaustively complained that the harsh restrictions and severe isolation and violent conditions at WESP has exacerbated his mental illness and potentially causing his suicidality and indeed has moved him to attempt suicide at WESP several times in the past two years &
- (44) (b) Plaintiff previously spent over a decade at WESP's sister facility Red Onion State Prison (RSP) in long-term solitary confinement "without" any history of violent or assaultive behavior due solely to his maladaptive symptoms of PTSD and Depression. Such extremes of isolation and sensory overload/deprivation and psychological torture
- (45) (b) Plaintiff currently meets all Wadco criteria for an interim review of his security level which if completed would score him at a level 3 as he hasn't had any institutional disciplinary offenses for more than a year, has completed all required/available programs, however defendant ~~has~~ <sup>has</sup> ~~refused~~ <sup>refused</sup> to make available an interim review to accommodate his mental and medical needs at a lower security level facility as Wadco policy provides.
- (46) (b) WESP cannot accommodate plaintiff's mental health treatment needs and as a result will continue to exacerbate his mental illness and lead to a direct cause of his "imminent suicide" if not treated adequately and properly
- (47) (b) Plaintiff has repeatedly expressed on that fact to defendants and they do not care and has told him repeatedly that "it is your choice"
- (48) (b) Plaintiff has expressed to defendants their legal and custodial responsibilities to his mental and physical well-being, they respond that "you are responsible for your actions, not us, you are a manipulator"
- (49) (b) Defendants blatantly disregarded recommendations by WESP psychiatrist for treatment in order to prevent plaintiff's future attempted suicide/death
- (50) (b) WESP Assistant Warden, F. Russell, told plaintiff he is not a security level 5 inmate, that he "is more like a level 3" and "needs to be there, not at WESP," on a face to face meeting Jan, 26, 2022
- (51) (b) Defendant McEliff: ~~is a~~ <sup>is</sup> ~~the~~ <sup>the</sup> ~~person~~ <sup>person</sup> ~~that~~ <sup>that</sup>, when asked by plaintiff to recommend a transfer to Greenville mental health unit for appropriate treatment such as professional therapy, etc, responded to plaintiff that he'd have to talk to "some people" (indicating defendants in supervisory positions) first because if he went that it would "piss some people off" that he'd "backed them into a corner to transfer" the plaintiff



(11)

(52) (2) Defendant Davis, when plaintiff asked him about a party providing for a letter to transfer him so he could get adequate M.H. Treatment, in light of the several and hand copy letters to defendant Davis from Rights Behind Bars Attorney Owen Nixson, Defendant stated "I don't answer to lawyers... he c'd it to hoodpooties (indicating defendant Malone and Madson) and they said the same thing" see ex. 10/15

(53) (2) Exhibit 21 a-d is a letter plaintiff wrote to defendant Davis and mailed copies to Defendants Clarke, Robinson, Malone, Dublin, Madson, and hand delivered a copy to defendant Lavel, Light and McEliff. In essence this was a suicide notice as plaintiff clearly expressed his imminent suicide intent. Each defendant responded similarly by telling plaintiff if he kills himself it will not hurt anyone but him, it is his choice.

(54) (2) Defendant McEliff told plaintiff that defendant Malone has "been putting their ducks in order" in the event he kills himself. He has expressed to plaintiff on several occasions that how each defendant "feels" about the plaintiff "precludes necessary treatment and placement at Greenville Mental Health unit" Plaintiff requested he swear an affidavit to that and he said he'd "answer questions that lawyers ask"

(55) (2) That discussion was in regard to law clearly established in a case he was a defendant with also defendant Clarke and Robinson, i.e. *DiPardo v. Clarke*, 884 F.3d 481

(56) (2) Defendant Madson has written to plaintiff several times affirming his position as Madson as the Senior Psych. Assoc. of Central Classification has full authority in plaintiff's need



(12)

for ADA reasonable accommodations of constitutionally protected rights to equal treatment and providing adequate mental health treatment; however, he acknowledges his Authority, but espouses a secondary role to not challenge other defendants' disapproval because he sees this MHU placement as an "opportunity" rather than a mental health "treatment regimen" or "required care" per VA doc policy, state and federal laws. He blatantly points out explicitly that misbehavior (regardless if precipitated by mental illness as ~~she's~~ referring to plaintiff's self-injuries/surgers/cutting/swallowing behaviors) will not be tolerated and "precludes" any placement/transfer to a mental health unit for treatment.

(57) (20) Defendant Robinson and Lowell have met with plaintiff on one or more occasions (questionable dates but approx. ones in Nov-Dec 2021 by remote telecom with defendant Davis and Robinson together; and 3-4 occasions between Feb 2021 and present day with defendant Lowell) specifically on 3-10-21 plaintiff spoke face to face with defendants Davis and Lowell complaining of all things raised herein, even telling them he was suicidal and going to kill himself at work due to inadequate treatment and harsh conditions of lockdown similar to solitary at RSP that has exacerbated his mental illnesses and caused his PTSD to worsen. They laughed at plaintiff and told him his threat killing himself hundreds of times and it didn't work, that he is the "boy that cried wolf".

(58) (20) Defendant Clark met with plaintiff face to face



(13)

during his trip to WRSP from Richmond headquarters (approx 4/22) plaintiff briefly explained to him about all claims herein expanding on the subject of ADA and the necessary and urgent need for adequate treatment before plaintiff ends up committing suicide, defendant Clarke acknowledged that "it's true, the surgeons at MCV (hospital) has said you can't have another surgery or it will kill you"; plaintiff requested he do something to ensure he be transferred back to BCC-MH for treatment and defendant Clarke pointed at defendant Davis and suggested that "there's your lawyer, talk to him".

(59) (b) Plaintiff asked if he remembers the "Depaula" case and if it set a ~~precedent~~ legally binding precedent on Va. to provide adequate mental healthcare and he told plaintiff "we won that case, you wouldn't be here if you stop submitting stuff you know will kill you"

(60) (b) Plaintiff further asked defendant Clarke about the "jpay" email he and defendant Robinson sent to VaDoc where population concerning new goodtime legislation going into effect July 1 2022, specifically text of Va§53.1-202.3 and §53.1-32.1 that authorizes op 841.2 (1)(k)(i), (participation in work programs as key factor in inmate goodtime awards), plaintiff told him he's being discriminated against by defendants Stinson, Church and McCamy explaining the job clerk's last letter (written paragraphs 40-44) defendants to no avail, plaintiff

(61)



(14)

which concern that he was hired for a job in C-Bldg but defendant Church refused to acknowledge the application and denied plaintiff the position and pay for 30 days of work imposed by <sup>Defendant Santos</sup> C-Bldg supervisors [see exhibits 15(a-e)] Defendant Church audibly ignored any further dialogue with plaintiff and walked off.

(61) (b) defendant Shepard's involvement other than her official role as a ~~area~~ regional supervisor is in detail in facts set out in exhibits 19(a-e)

(62) (b) defendant Moye answered and responded ignorantly in a deliberately indifferent disregard for truth as he exercised extreme prejudice in his biased assertion that his subordinate employee defendant Shepard was in no way inappropriate and plaintiff's complaints were completely without merit as he wrote on exhibits 19(b-e). He gave no consideration in plaintiff's complaints dealing biasedly with defendant Shepard in her word over plaintiff's and nothing else.

(63) (b) defendant Moye has the official responsibility to ensure all persons in the Western Region afford/provide all inmates with mental illness with adequate treatment as he's the Mental Health Clinical Supervisor.

(64) (b) on 7/1/22 WRSP optometrist saw and evaluated Plaintiff's eye condition asserting he has a neurological degenerative disorder in his only working eye and a minute without vision acuity of 20/400, double the legally blind!



(15)

Baseline of 20/200, again attempting to get defendant Townsend to help plaintiff reasonable accommodation in conjunction with defendant Caughron.

(65) (b) Other inmates with partial or legal blindness most are housed at Greenville Correctional Center in a specialized unit designed for visually and hearing impaired and all visually impaired inmates are entitled to specific prescribed reasonable accommodation that aid in their functioning of daily living and aid in not exacerbating their disability without it, to name a few: tinted windows in cell, removal of bulbs, A larger TV with a remote to control color/contrast/brightness and other visual aid functions, A watch/clock that "speaks" the time, magnification devices for TV/books etc., personal inmate aid for mobility/reading/writing assistance, A larger job music/mail device, listening devices, special transitional lenses for glasses, etc and not limited thereof, all are already Verdo approved

(66) (b) Plaintiff is receiving none of these, simply 1 bulb removed out of 5, still has 4 bulbs that remain on 24 hrs A day merely dim at night yet still bright enough to read/write by. Defendant Davis and Caughron tells plaintiff he is getting all he need in accommodations and refuse to coordinate A telecom meeting with ADA supervisor defendant Durbin.

(67) (b) Defendants Robinson, Malone and Madsen and Davis have personally hindered plaintiff placement of Verdo used

(b)

(16)

at GCC virtually impaired unit or MHU also next door  
there, despite plaintiff's consistent request.

(68) ~~68~~ An defendant ~~have failed to act~~  
to correct any of the unconstitutional wrongs ~~mean~~  
to provide for plaintiff's rights under federal statutory  
Acts as laid out here in this detailed complaint.

(69) Defendant McDaniel's recommendation for referral to  
GCC-MHU to provide for me to receive adequate M.H.  
treatment was denied by GCC-MHU director who has  
only a "Master's Degree in social work — not a Ph.D."  
as defendant McDaniel is a licensed MD and Psychiatrist

(70) Defendant Madson, as the senior psychology associate at  
Central Classification has the duty to either direct the  
MHU to accept my referral or find another suitable  
placement to provide the same/equivalent M.H. treatment  
defendant McDaniel recommended; however, he did nothing  
except to have me stay at WRSP with no treatment

(71) Defendant Clark, Robinson, Mahone, Madson, Meyer and  
the VADOC are aware of my risk of suicide and history  
of mental illness of PTSD from prolonged long-term  
solitary confinement/isolation (seven years in ROSP  
solitary), yet refuse to provide for adequate "treatment"  
in its prisons, esp WRSP/ROSP. Continuously referring  
to "access to services" interchangeably with "treatment"  
knowing WRSP/ROSP and all other facilities (other than MCTC  
and GCC-MHU) have no qualified mental health clinicians



(17)

i.e., licensed clinical therapist to treat specific mental health disorders e.g. PTSD.

- (72) "Access to services/outpatient" consist as merely a "psychology associate" (A fancy trumped up euphemism for a person with a master's degree in typically social work/education — not the Virginia department of health professions and Virginia department behavioral and developmental services requirements to treat mental illness)... who comes to speak with you briefly approx. 5-10 min. to assess your complaint and offer you to see a psychiatrist and/or be placed on suicide precautions naked in a cell property-less in which you have to lie that you "feel better" to get your clothes and property back and return to population from segregation/suicide precautions. He/she may offer you some wordsearch or sudoku puzzles.
- (73) The psychiatrist (Defendant McHaffie) can prescribe medication and/or refer you to an acute mental health facility (MCH) to force medicate you, or to a MHU.
- (74) Which forces the question what "services" are being offered or are "available" to TREAT the plaintiff's mental health disorder commensurate to his psychiatrist's recommendations/orders?
- (75) Defendants and Udoe attempt to fool this court that the plaintiff is being "treated" by having access to mental health services
- (76) The plaintiff is being denied the "access" to said services, i.e., "TREATMENT" by licensed therapist to treat PTSD.
- (77) Defendant Chadwick Dawson (previously Harold Clarke) and defendant Artelip (previously Udoe Davis) are responsible for the health, safety and mental and physical overall wellbeing to accordance to all applicable state/federal laws and statutes and the ADA and Rehabilitation Act and the 14<sup>th</sup> Amend. of the U.S. Const. that provides for equal protection: As a legal state under the 13<sup>th</sup> Amend. and the state covered, fully insured private by blue cross/blue shield - Anthem Health Insurance contract with the VAHC it is a requirement that I be complete with any and all medical needs met with licensed professionals to render treatment for any recommendations by any other licensed professionals as the Udoe has accrued the premium health coverage in the Anthem Health Insurance policy and contract in conjunction to the allocation of federal/state funds allotted per inmate.
- (78) Defendants Dawson and Artelip and Townsend are committing ~~fraud~~ insurance fraud and breach of contract by denying plaintiff a medical doctor's/psychiatrist recommendations while accepting funds allocated through Anthem cooperation contract policies for inmates coverages.
- (79) Defendant Townsend has consistently refused the plaintiff access to his medical records, she has even conspired to destroy records that I've requested that are demonstrative of this

(18)

case and the issues laid out herein.

(80) I was transferred from River North Corr. Ctr back to WRSP on Sept. 27~~th~~ 2023 and placed in general population amongst a majority of gang members of 80 plus inmates despite the known risk posed to me with my serious mental illness and recent suicide attempts.

(81) I spoke with defendant Artrip in passing, to be housed in a safer environment and he stated he hasn't got time for me, I spoke with defendant Light and McDuffie requesting a lateral transfer to SXI SAM unit and/or either another referral attempt to GRCC-MHU for treatment. Light told me there will not be any "negotiations" with me from the administration.

(82) On Oct 2nd I was assaulted by C/Os Cantwell and Caudell and John Doe during evening 6:30pm RIC where I was told to tuck in my shirt, I alerted staff that I had a medical disability and a profile/pass DR. order to not tuck in my shirt due to a colostomy bag. These 3 C/Os made me "show" them my ostomy in the middle of the pod in front of all inmates watching in violation of many ADA/medical privacy Acts, etc. I was told I was to return to my cell, losing my RIC for not tucking in my shirt. I asked to speak with a supervisor, these 3 C/Os took me into the vestibule and began to forcibly put handcuffs on me behind-my-back despite me exclaiming that I have a "cuff-in-front" medical/DRS. order. They then slammed me into the wall, cuffed me behind my back, forced me to my knees despite my protest that I have a "NO KNEE" DR order too. I was then slammed on my face and stomach bursting my colostomy bag all over me. I was placed in segregation/solitary



(19)

for 4 days and forced to accept A poverty offer of \$14 fine for 2 disobeying an order charges so as to go back to population.

(83) On Tuesday 10/6/23 I Mr King, saw me walking across the yard back to A-bldg and said "WY/SHAVE, ... fuck 'em, I'ma have some BLONDS or ARYANS fuck you up as soon as you start crying wolf with that fake suicide manipulation."

(84) Yesterday, 10/17 Mr King came into A-6 and called me A bitch, A switch and A child molester in front of other inmates in attempts to create violence against me. He stated "I'll get anyone A job outside the bldg. that fucks this piece of shit up."

(85) Mr. King was the Chief of Security / Major here at WRSP and was moved to RSP and was demoted due to an egregious amount of facts of unethical/unprofessional conduct. He is now back at WRSP as A disciplinary hearings officer. Despite his known prejudicial and unethical behavior. This speaks volumes to the Vadar turning A blind eye to the racist, hostile culture and climate and use of excessive force in the remote supermax prisons in Southwest Va. WRSP/RSP/RNCC/KNCC

(86) On 10/23/23 I spoke to defendant warden Artrop and UM Santos to ask why they are allowing general population (GP) inmates to spend 21 plus hours A day in their cells during normal operations when Vadar OP 440.1 (privileges by security level) states "offenders housed/assigned to A security level 5 are to receive A [minimum] of 7 hours of out of cell activities, since 9/25/23 when I returned to WRSP I have not had more than 3 hours per day out of my cell during all normal operations. Warden Artrop and UM Santos told me that they get away with it because they calculate the "combined" total out of cell time between the top and bottom tiers. Top and bottom tiers come out separately. If the top gets out for 3 1/2 hours and the bottom get out for 3 1/2 hours WRSP documents that as having allowed everyone 7 hours out of cell activities.

(87) I complained to Warden Artrop and UM Santos that Vadar OP 440.1 states "offenders" as in each individual inmate must receive A minimum of 7 hours, ... They responded that as long as their records document that they pulled 7 hours of RSC then that's what headquarters wants and since when did I know WRSP to care about policy.

(88) I told Defendant Artrop and Santos that spending 21 plus hours A day in my cell in GP is detrimental to my mental and physical well-being and exacerbates my mental illness of PTSD from spending over A decade in long-term solitary isolation confinement at WRSP/RSP and that I am classified as SMI (seriously mental illness) with A "25 MHC"

(20)

- (89) I pointed out to them that RMU/segregation is required to give inmates a minimum of 4 hours out of their cells
- (90) ... so for inmates in GP to receive LESS time of out of cell activities, esp. for anyone with a mental illness, is an EGREGIOUS violation of Policy, NOT to mention inmates' constitutional Rights
- (91) Defendant Warden Artrip and Santos told me that I should consider going to RMU (seg) then.

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Wherefore, I conclude with the following  
"Claims for Relief"

For defendants Artrip, Santos to subjectively and strategically house inmates (esp. SMI classified) in GP for 20/21 plus hours a day in their cells in spite of a policy requiring a minimum of 7 hours (5-5) out of cell activities during normal operations and subjectively and strategically combining out of cell time between 2 tiers to manipulate records/documentation falsely and maliciously violates the 8th Amendment of the US Const. against cruel and unusual punishment

For Defendant Modson to hold the official position responsible for the housing/classification assignments in and out of mental health units and to not comply or make any effort to satisfy a Psychiatrist's order/Recommendations to transfer plaintiff to a facility (GRU-MHU) that can accommodate one-on-one therapy for PTSD treatment violates the 8th Amendment of the US Const. and the ADA/Rehab Act and 14th Amendment of the US Const. Also defendant Malone, Clarke/Dodson, Robinson, Meyer and Shepard and Lovell are culpable/liable in their official capacity for the aforementioned cause of actions and relief

For Defendant Lovell to interfere with my SAM unit classification by demanding my removal in order to be transferred to GP knowing my risk and MR code and suicidal history and medical disabilities and overall vulnerability violates the 8th Amendment



(21)

continued

Claims for Relief

... of the US Const of cruel & unusual punishment in which the relief is sought...

... In the failures and action/enactions stated in the complaint by not providing adequate mental health treatment recommended by A Psychiatrist that complies with the ADA 42 USC § 12101 et seq. and 29 USC § 794 sec 504 of the Rehab Act and the 14th and 8th Amend. of the US Const. was violated by Subjective and Objective standards by defendants Clarke, Dotson, D. Robinson, Malone, Durbin, Madson, Leell, Shepard, Moyse, Davis, Atrip, Corico, , Caughron, Townsend, Santos, Light, Stallard, Anderson Bateman, Hamm, Haynes, Hoop, Rosas, Ahner, Spangler, Studivart

For violation of State Tort of assault (Cal § 18.2-57) relief is sought against Jos Caudill, Caudwell and John Doe

For denying requested ADA accommodations in relation to the plaintiffs visual disability defendants Hamm, Santos, Caughron, Atrip, Davis, Stallard, D. Robinson, Clarke, Dotson, Durbin, Corico, Townsend, Hawks, Robinson, Taylor, Rippy, Bateman, Anderson have violated the ADA, Rehab Act and 8th & 14th Amendments of the US Const.

For forcing the plaintiff to reuse sealed colostomy bags and go without any colostomy supplies and have exposed stoma, defendants Townsend, Taylor, Hawks, Robinson and Rippy violated the ADA, Rehab Act and 14th & 8th Amend. of the US Const.

For defendants Clarke/Dotson, D. Robinson, Davis/Atrip, Anderson Bateman, Leell, Madson, Corico, Santos, Stallard, Cunniff, McRay, Light, McDuffie Madson, Malone, Shepard and Moyse to properly deny and their failure to safely house plaintiff in accordance with ADA/Rehab Act Under policy commensurate to Vets medical/mental health needs



(22)

and purposely exposing him to threats/assaults of known  
gang members "hits" violate the ADA/Religious Act and 8th;  
14th Amend of the US Const. (Continued p. 23)

~~DATE: 10/30/23 BY: [illegible]~~



(23)

### Continued Claims for Relief

The failure of <sup>custodial</sup> ~~custodial~~ defendant <sup>Deaton/Chere Anderson, Taylor, Davis</sup> ~~Deaton/Chere Anderson, Taylor, Davis~~ playing a significant role in their individual/personal action or inaction and in their official responsibilities to provide for the plaintiff's rights under 29 USC § 794, section 504 of the Rehabilitation Act and 42 USC § 12101 et seq. of the Americans with Disabilities Act of reasonable accommodations, his health, safety and equal protection against discrimination entitles the plaintiff to relief; and

The actions and inactions of ~~the~~ defendants for these personal roles and failures in the official duties in forcing the plaintiff to work without pay (defendant, Sinks Church) and forcing him to miss necessary religious hugs, denying reasonable accommodations and Doctors orders (defendants <sup>Taylor, Hawks</sup> ~~Taylor, Hawks~~) and adequate mental health treatment being denied knowing the plaintiff's extensive history of mental illness (defendants Clark, Robinson, Deaton Mahan, Durbin, Madson, Littel, Shepard, Meyer, Deaton, Casco, Coughlan, McDieter and Light) constitutes deliberate interference to a serious medical need and cruel and unusual punishment; and violates the 8<sup>th</sup> amendment of the US Constitution the failure of defendants McCoy, Stallord and Church, Sinks to provide for state created liberty interest in loss of good time by not providing work program participation violates the 14<sup>th</sup> amendment of the US Const. and against discrimination of the Rehabilitation Act and ADA. All defendants fail to cure these federal const/statute-violations the ADA/Rehabilitation Act.

24

Relief Requested

WHEREFORE, plaintiff request that this court grant the following relief:

A. Issue A declaratory judgment stating that:

1.) The actions and/or omissions herein by the defendants violated and continue to violate the plaintiff's rights under state/federal constitutions and statutes

B. Issue an injunction ordering defendants or their agents to:

1.) conduct an interim ~~21000/21000~~ <sup>21000/21000</sup> review disclosing the plaintiff to ~~an appropriate~~ <sup>an appropriate</sup> security level and restore ~~plaintiff~~ <sup>plaintiff's</sup> appropriate placement/housing at a ~~mental health unit~~ <sup>mental health unit</sup> for long-term residential treatment pursuant to Va Code § 8.01-622.1(B)

2.) comply and provide all request for reasonable accommodations approved by the VaDoc ADA coordinator at Headquarters for the qualified disabilities of plaintiff and provide for the plaintiff a telecommunication appointment with the ~~ADA coordinator~~ <sup>ADA coordinator</sup> supervisor there immediately to ensure continued accommodations

C. Award compensatory and punitive damages in the following amounts:

1.) \$10,000 jointly and severally against defendants for the physical and emotional injuries sustained from plaintiff's suicide attempts and defendants' actions and negligence laid out herein this complaint and for the punishment, including deprivation of liberty and privacy and cruel and unusual punishment and "compassion born"

~~Plaintiff requests that the court award punitive damages of \$10,000 against the defendants for the physical and emotional injuries sustained from plaintiff's suicide attempts and defendants' actions and negligence laid out herein this complaint and for the punishment, including deprivation of liberty and privacy and cruel and unusual punishment and "compassion born"~~

D. Grant such other relief as it may appear that plaintiff is entitled

Plaintiff swears under penalty of perjury, pursuant to USC § 1746 and Va. Code § 8.01-280, that the foregoing is true and correct

~~Respectfully Submitted,~~

Respectfully Submitted,  
Jacob Shouse, #1104444

~~Respectfully Submitted,~~  
W. 251, P.O. Box 759

Big Stone Gap, Va. 24219

Oct. 25, 2023





Charles Stouse, 1101441  
Wallens Ridge State Prison  
PO Box 759  
Big Stone Gap, Va. 24219

Received  
Mailroom

OCT 26 2023

Wallens Ridge  
State Prison

Clerk  
US District  
Western Dist  
210 Franklin  
Roanoke

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DOES

LEGAL  
MAIL



FIRST-CLASS



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Va. 24011

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